THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 6967 OF 2007

DATED: 23-07-2007

Between :

Smt.K.Sumana

... Petitioner

And

The Government of Andhra Pradesh,
Rep., by its Secretary
Industries and Commerce Department,
Secretariat, Hyderabad and 2 others.

... Respondents

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ORDER :

The petitioner herein was granted a mining lease for quartz over an extent of Acs.50.00 in Sy.No.556/A for a period of 10 years vide G.O.Ms.No.285, Industries and Commerce(M-III) Department dated 13-07-1988. The lease deed was executed on 18-11-1988 valid up to 17-11-1998. Though the petitioner was required to make an application for renewal of lease within one year, the petitioner made such application on 01-12-1997 with a petition to condone the delay of 13 days. Having considered the same the first respondent condoned the delay by order dated 13-10-1998. While the application for renewal was under process, there was a change in the address of the petitioner and the same was intimated to the respondents by letter dated 24-07-2003. The material on record shows that subsequently, there was correspondence to the petitioner's new address in response to which the petitioner has also remitted the balance application fee and produced the Mineral Revenue Clearance Certificate on 26-06-2004.

However, the impugned order was passed on 19-01-2007 rejecting the petitioner's application for renewal on the ground that the petitioner had not paid the differential amount and also failed to produce the Mineral Revenue Clearance Certificate as well as approved licence fee. In the impugned order it was further stated that though a show cause notice dated 29-09-2006 was issued to the petitioner calling upon her to state as to why her application for renewal should not be rejected, the same was returned unserved with a postal endorsement "no such person is available" which shows that

the applicant is not interested in renewal of her lease.

The said order is challenged in this writ petition stating that the petitioner has intimated her change of address on 24-07-2003 itself and the same was acknowledged by the respondent and as a matter of fact, there was subsequent correspondence to the new address and therefore the action of the respondents in sending the show cause notice to the old address and passing the impugned order on the ground that the petitioner failed to respond is unjustified and unwarranted. It is also alleged by the petitioner that even the order of rejection dated 19-01-2007 was never communicated to her and on a request made by her, a Xerox copy was furnished only on 26-03-2007.

Though no counter affidavit is filed, the learned Government Pleader under instructions stated that it is a fact that the show cause notice was sent to the old address of the petitioner.

As a matter of fact, a perusal of the impugned order dated 19-01-2007, which bears the old address of the petitioner makes it clear that the impugned order was passed without affording an opportunity to the petitioner to raise objections against the proposed rejection of renewal of the mining lease.

Having regard to the facts and circumstances, the impugned order dated 19-01-2007 is hereby set aside and the writ petition is disposed of leaving it open to the respondents to issue a fresh show cause notice to the new address of the petitioner and pass appropriate orders in accordance with law afresh after considering the explanation of the petitioner. No costs.

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G. ROHINI, J.

Date 23-07-2007
KLP